



PATENT
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Heinz Peter Vollmers et al. Confirmation No.: 5150
Serial No.: 09/469,606 Art Unit: 1643
Filed: December 22, 1999 Examiner: A. Harris
Customer No.: 21559
Title: SUBSTANCE FOR OBTAINING HIGHLY EFFECTIVE TUMOR
MEDICATIONS AS WELL AS A PROCESS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF DR. FRANK HENSEL UNDER 37 C.F.R. § 1.132
TRAVERSING GROUNDS OF REJECTION

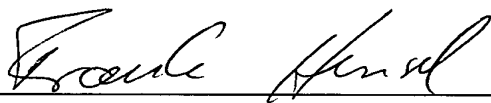
I declare:

1. I am an author of the Hensel et al. (Cancer Research 59:5299-5306, 1999; "Hensel et al.") reference and I am familiar with the disclosure of the Vollmers et al. (Cancer 76:550-558, 1995; "Vollmers et al.") reference.
2. I have a financial interest in the commercialization of the technology disclosed in the above-captioned patent application.
3. Vollmers et al. does not describe an isolated glycoprotein including the human amino acid primary structure of CD55 and a tumor-specific N-linked glycostructure, where the glycoprotein has an apparent molecular weight of about 82 kD in sodium dodecyl sulfate polyacrylamide gel electrophoresis. Hensel et al., at page 5301, cites Vollmers et al. as describing a 50 kD protein in whole cell lysates bound by the SC-1

antibody. In Hensel et al., to detect the 82 kD protein, the stringency had to be altered and membrane preparations, not whole cell lysates, had to be used. The 82 kD protein was isolated from membrane fractions and purified by sequential size-exclusion and anion-exchange chromatography. These additional steps required to purify the 82 kD protein are not described in Vollmers et al.

4. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

26.10.2007
Date


Dr. Frank Hensel